

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** Chairman John Esp, on February 20, 2009 at  
3:00 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. John Esp, Chairman (R)  
Sen. Jeff Essmann, Vice Chairman (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ron Erickson (D)  
Sen. Steven Gallus (D)  
Sen. Kim Gillan (D)  
Sen. Verdell Jackson (R)  
Sen. Bruce Tutvedt (R)

**Members Excused:** Sen. Jesse Laslovich (D)

**Members Absent:** None.

**Staff Present:** Leanne Heisel, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 411, 2/10/2009; SB 423,  
2/10/2009; SB 482, 2/17/09;  
SB 487, 2/18/09

Executive Action: SB 434 ~ DO PASS  
SB 482 ~ DO PASS AS AMENDED  
SB 411 ~ DO PASS AS AMENDED  
SB 423 ~ TABLED  
SB 487 ~ TABLED  
SB 166 ~ RECONSIDERATION VOTE  
SB 433 ~ (To Senate Floor)

**HEARING ON SB 487**

**Opening Statement by Sponsor:**

00:00:52 Sen. Jim Shockley (R), SD 45, opened the hearing on  
SB 487, Generally revise local government laws.

**Proponents' Testimony:**

00:04:20 George Culpepper, Flathead County  
00:04:53 Jeff Larsen, Vice President, Montana Environmental  
Consulting Association (MECA)

**Opponents' Testimony:**

00:05:32 Alec Hansen, Montana League of Cities and Towns  
00:10:56 L. Harold Blattie, Montana Association of Counties  
(MACo)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:11:21 Sen. Barkus  
00:11:54 Alec Hansen  
00:13:43 Sen. Essmann  
00:14:45 Sen. Shockley

**Closing by Sponsor:**

00:16:19 Sen. Shockley

**HEARING ON SB 482**

**Opening Statement by Sponsor:**

00:16:48 Sen. Dan McGee (R), SD 29, opened the hearing on  
SB 482, Generally revise subdivision and platting act.

**Proponents' Testimony:**

00:30:58 Joe Roberts, representing Montana Association of  
Registered Land Surveyors  
00:31:23 Charles Lapp, Flathead resident  
00:32:04 Jeff Larsen, owner, Larsen Engineering and Surveying,  
Kalispell  
00:34:32 George Culpepper, Kalispell resident

**Opponents' Testimony:**

00:35:05 Myra L. Shults, Consultant Land Use Attorney, MACo

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:39:49 Sen. Tutvedt  
00:40:07 Jeff Larsen, Larsen Engineering  
00:40:48 Sen. Erickson  
00:41:36 Sen. McGee  
00:42:09 Sen. Essmann  
00:43:25 Sen. McGee  
00:43:37 Chairman Esp  
00:43:57 Myra L. Shults, MACo  
00:44:55 Chairman Esp  
00:45:39 Myra L. Shults  
00:48:22 Chairman Esp  
00:48:57 Myra L. Shults  
00:50:18 Chairman Esp  
00:50:55 Sen. McGee

**Closing by Sponsor:**

00:51:06 Sen. McGee

[EXHIBIT\(los40a01\)](#)

**HEARING ON SB 411**

**Opening Statement by Sponsor:**

00:58:15 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 411, Growth policy to include sand and gravel resource property rights.

**Proponents' Testimony:**

01:01:15 Jeff Larsen, Larsen Engineering, Kalispell, former Flathead County Planning Board member  
01:03:28 George Culpepper, self, Kalispell resident  
01:04:28 Charles Lapp, Flathead area resident  
01:04:53 Fred Hodgeboom, President, Montanans For Multiple Use, Bigfork  
01:06:45 Dave Skinner, Kalispell  
01:07:28 Steve Wade, representing Montana Contractors Association (MCA)  
01:08:11 Don Allen, rep Western Environmental Trade Association  
01:08:43 Allen Wright, Montanans for Multiple Use Association, Townsend

**Opponents' Testimony:**

01:09:22 Gordon Morris, representing Lewis & Clark County  
Commissioners  
01:10:33 L. Harold Blattie, Executive Director, MACo  
01:12:41 Jean Riley, East Helena resident

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:13:22 Sen. Essmann  
01:14:02 Jeff Larsen, Larsen Engineering  
01:15:16 Chairman Esp  
01:16:01 Jeff Larsen  
01:17:04 Chairman Esp  
01:17:27 L. Harold Blattie, MACo  
01:17:52 Sen. Gillan  
01:19:02 Sen. Tutvedt  
01:20:35 Sen. Gillan  
01:22:42 Chairman Esp  
01:24:03 Sen. Tutvedt

**Closing by Sponsor:**

01:24:44 Sen. Tutvedt

**HEARING ON SB 423**

**Opening Statement by Sponsor:**

01:26:06 Sen. Verdell Jackson (R), SD 5, opened the hearing on  
SB 423, Montana river and stream protection.

**EXHIBIT(1os40a02)**

01:30:34 Sen. Laslovich arrived at hearing.

**Proponents' Testimony:**

01:48:54 Fred Hodgeboom, Bigfork, President, Montanans for  
Multiple Use  
01:55:48 Bill Myers, owner, Bayside Park and Marine  
Center, Bigfork  
02:03:24 Dave Skinner, also speaking for Ronald Buentameier,  
Columbia Falls

**EXHIBIT(1os40a03)**

02:04:09 Jim Sappington, Real Estate, Kalispell  
02:06:40 Charles Lapp, Kalispell

**Proponents' Testimony: (Con't)**

02:08:06 Jeff Larsen, representing Montana Environmental Consulting Association

**EXHIBIT(los40a04)**

02:09:34 George Culpepper, Kalispell resident

02:09:57 Allen Wright, Montanans for Multiple Use, Townsend

**EXHIBIT(los40a05)**

Ronald Buentameier through written testimony dated February 19, 2009.

**Opponents' Testimony:**

02:11:18 Daniel Cox, Ravalli County resident

02:16:50 Dewey Baker, Ravalli County resident

02:20:54 Susanna Pyron, Ravalli County resident

02:21:50 Art Baker, Ravalli County resident

02:24:12 Mary Sexton, Director, Department of Natural Resources and Conservation (DNRC)

02:25:32 Terry Daniel

02:27:14 Mike Murphy, representing Montana Water Resources Association also speaking for John Youngbird, Montana Farm Bureau

02:29:07 Janet Ellis, Montana Audubon

**EXHIBIT(los40a06)**

02:29:46 Jay Bodner, representing Montana Stockgrowers Association

02:31:09 Mark Aagenes, representing Montana Trout Unlimited

02:32:04 Greg Chilcott, Ravalli County

02:33:15 L. Harold Blattie, Executive Director, MACo

**Informational Testimony:**

02:35:35 Myra L. Shults, self

**Questions from Committee Members and Responses:**

02:36:09 Chairman Esp

02:36:28 Sen. Jackson

02:36:53 Sen. Barkus

02:37:09 Sen. Jackson

**Closing by Sponsor:**

02:37:29 Sen. Jackson

02:42:53 Break

02:48:53 Reconvene

**Discussion on SB 433:**

02:49:18 Chairman Esp  
 02:49:29 Richard Oppen, Director, Department of Environmental  
 Quality (DEQ)  
 02:52:04 Sen. Tutvedt  
 02:52:33 Richard Oppen, DEQ  
 02:53:55 Chairman Esp

**EXECUTIVE ACTION ON SB 434**

02:55:36 **Motion/Vote:** Sen. Essmann moved that **SB 434 DO PASS.**  
 Motion carried 5-4 by voice vote with Sens. Erickson,  
 Gallus, Gillan, and Laslovich voting no and Sen. Gallus  
 voting by proxy.

**EXECUTIVE ACTION ON SB 487**

02:57:06 **Motion:** Sen. Tutvedt moved that **SB 487 DO PASS.**  
 02:57:44 **Substitute Motion/Vote:** Sen. Erickson made a  
 substitute motion that **SB 487 BE TABLED.** Substitute  
 motion carried 7-2 by roll call vote with Sens. Barkus  
 and Jackson voting no and Sen. Gallus voting by proxy.

**EXECUTIVE ACTION ON SB 482**

02:58:59 Leanne Heisel, Legislative Services Division (LSD)  
[\*\*EXHIBIT\(los40a07\)\*\*](#)  
[\*\*EXHIBIT\(los40a08\)\*\*](#)  
 02:59:38 Sen. Barkus  
 02:59:57 Leanne Heisel, LSD  
 03:00:05 Sen. Tutvedt  
 03:00:33 Sen. Barkus  
 03:00:58 **Motion:** Sen. Barkus moved that **SB 482 DO PASS.**  
 03:01:18 **Motion:** Sen. Tutvedt moved that **SB 482 BE AMENDED.**  
 (See Exhibit 1)

**Discussion:**

03:02:04 Sen. Erickson  
 03:02:10 **Vote:** Motion carried unanimously by voice vote with  
 Sen. Gallus voting by proxy.

03:02:24 **Motion:** Sen. Barkus moved that **SB 482 DO PASS AS AMENDED.**

**Discussion:**

03:02:32 Sen. Erickson  
03:03:22 Sen. Essmann  
03:04:53 Chairman Esp  
03:05:15 Sen. Essmann  
03:05:56 Chairman Esp

03:07:31 **Motion/Vote:** Sen. Essmann moved a **CONCEPTUAL AMENDMENT BY REMOVING SECTION 1 FROM THE BILL.** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

03:08:06 **Motion:** Sen. Tutvedt moved that **SB 482 DO PASS AS AMENDED.**

**Discussion:**

03:08:15 Sen. Barkus

03:08:35 **Motion/Vote:** Sen. Essmann moved a **CONCEPTUAL AMENDMENT TO DELETE SECTION 3 FROM THE BILL.**

**Discussion:**

03:09:05 Chairman Esp  
03:09:45 Sen. Gillan  
03:09:51 Leanne Heisel, LSD  
03:10:36 Sen. Erickson  
03:11:22 Sen. Gillan  
03:11:41 Leanne Heisel, LSD  
03:12:05 Chairman Esp

03:12:28 **Vote:** Motion carried 6-3 by roll call vote with Sens. Esp, Gillan, and Tutvedt voting no and Sen. Gallus voting by proxy.

03:13:25 **Motion/Vote:** Sen. Erickson moved that **SB 482 DO PASS AS AMENDED.** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

**EXECUTIVE ACTION ON SB 411**

03:14:09 **Motion:** Sen. Tutvedt moved that **SB 411 DO PASS.**

03:14:23 **Motion:** Sen. Tutvedt moved that **SB 411 BE AMENDED.**  
**EXHIBIT(los40a09)**

**Discussion:**

03:15:00 Chairman Esp

03:15:43 **Vote:** Motion carried unanimously by voice vote with  
Sen. Gallus voting by proxy.

03:16:45 **Motion/Vote:** Sen. Tutvedt moved that **SB 411 DO PASS AS**  
**AMENDED.** Motion carried unanimously by voice vote with  
Sen. Gallus voting by proxy.

**EXECUTIVE ACTION ON SB 423**

03:17:25 **Motion:** Sen. Jackson moved that **SB 423 DO PASS.**

**Discussion:**

03:18:02 Sen. Jackson

03:18:24 Sen. Erickson

03:19:38 Sen. Gillan

03:20:29 Sen. Jackson

03:23:18 Chairman Esp

03:24:00 Sen. Essmann

03:26:21 **Substitute Motion/Vote:** Sen. Gillan made a substitute  
motion that **SB 423 BE TABLED.** Substitute motion carried  
5-4 by roll call vote with Sens. Barkus, Jackson,  
Laslovich, and Tutvedt voting no and Sen. Gallus voting  
by proxy.

**EXECUTIVE ACTION TO RECONSIDER SB 166**

03:27:31 **Motion:** Sen. Erickson moved to **RECONSIDER PREVIOUS**  
**ACTION** on **SB 166.**

**Discussion:**

03:28:00 Chairman Esp

03:28:10 Sen. Erickson

**EXHIBIT(los40a10)**

03:28:46 Chairman Esp

03:29:01 **Vote:** Motion failed 4-5 by roll call vote with Sens.  
Erickson, Gallus, Gillan, and Laslovich voting aye and  
Sen. Gallus voting by proxy.



**ADJOURNMENT**

Adjournment: 6:45 P.M.

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Debra Polhemus, Secretary

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Additional Documents:

**EXHIBIT ([los40aad.pdf](#))**